

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

v.

Criminal No. 2:02cr16-2

ROSCOE M. REDMAN,
Defendant.

ORDER/OPINION

On the 9th day of November, 2006, came the defendant, Roscoe M. Redman, in person and by his counsel, Brian J. Kornbrath, and also came the United States by its Assistant United States Attorney, Stephen Warner, pursuant to a Petition for Warrant or Summons for Offender Under Supervision filed in this case on October 12, 2006, alleging Defendant violated conditions of his supervised release as follows:

1. Violation of Mandatory Condition that he not commit another federal, state or local crime;
2. Violation of Mandatory Condition that he pay his special assessment fee or fine in accordance with his Schedule of Payments;
3. Violation of the Standard Condition that he report to the probation officer and submit a truthful and complete written report within the first five days of each month;
4. Violation of the Standard Condition that he answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. Violation of the Standard Condition that he refrain from the excessive use of alcohol;
6. Violation of the Standard Condition that he notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer; and
7. Violation of the Special Condition that he pay any financial penalty that was originally imposed by the court that remains unpaid at the commencement of the term of supervised release. The Defendant shall satisfy these financial penalties by making installment payments of \$50.00 per month while on supervised release.

The Nature of the alleged Noncompliance is detailed in the Petition for Warrant or Summons for Offender under Supervision filed October 12, 2006, and is not repeated here.

On October 12, 2006, United States District Judge Robert E. Maxwell ordered the issuance of a warrant, and ordered that Defendant be detained upon arrest. Defendant was arrested and had an Initial Appearance before the undersigned United States Magistrate Judge on November 2, 2006.

Prior to the taking of evidence, counsel for Defendant waived the preliminary hearing, conceding probable cause existed to forward this revocation matter to United States District Judge Robert E. Maxwell for hearing and disposition.

Upon consideration of all which, the Court finds there is probable cause to believe that the defendant violated the conditions of his supervised release as alleged in the Petition for Warrant or Summons for Offender Under Supervision filed October 12, 2006.

It is therefore **ORDERED** that the defendant be bound over for a full hearing before the Honorable Robert E. Maxwell, United States District Judge for the Northern District of West Virginia on the violations alleged in the Petition for Warrant or Summons for Offender Under Supervision filed October 12, 2006.

Defendant is remanded to the custody of the United States Marshal pending further proceedings in this matter.

The Clerk of the Court is directed to send a copy of this order to counsel of record.

DATED: November 13, 2006

/s *John S. Kaull*

JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE